

close of the hearing for oral argument, which may include presentation of proposed findings and conclusions, and shall be included in the stenographic report of the hearing. In the discretion of the administrative law judge, any party may, upon request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge, who may fix a reasonable time for such filing, but not in excess of 35 days from the close of the hearing. Requests for further extensions of time shall be made to the chief administrative law judge in Washington, D.C., to the deputy chief judge in San Francisco, California, to the associate chief judge in New York, New York, or to the associate chief judge in Atlanta, Georgia, as the case may be. Notice of the request for any extension shall be immediately served on all other parties, and proof of service shall be furnished. Three copies of the brief or proposed findings and conclusions shall be filed with the administrative law judge, and copies shall be served on the other parties, and a statement of such service shall be furnished. In any case in which the administrative law judge believes that written briefs or proposed findings of fact and conclusions may not be necessary, he or she shall notify the parties at the opening of the hearing or as soon thereafter as practicable that he or she may wish to hear oral argument in lieu of briefs.

4. In § 102.45, paragraph (a), is revised to read as follows:

§ 102.45 Administrative law judge's decision; contents; service; transfer of case to the Board; contents of record in case.

(a) After hearing for the purpose of taking evidence upon a complaint, the administrative law judge shall prepare a decision. Such decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record, and shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the Act. The administrative law judge shall file the original of his decision with the Board and cause a copy thereof to be served on each of the parties. If the administrative law judge delivers a bench decision, promptly upon receiving the transcript the judge shall

certify the accuracy of the pages of the transcript containing the decision; file with the Board a certified copy of those pages, together with any supplementary matter the judge may deem necessary to complete the decision; and cause a copy thereof to be served on each of the parties. Upon the filing of the decision, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, on all the parties. Service of the administrative law judge's decision and of the order transferring the case to the Board shall be complete upon mailing.

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Dated, Washington, D.C., November 27, 1995.

By direction of the Board:

John J. Toner,

Acting Executive Secretary.

[FR Doc. 95-29297 Filed 11-30-95; 8:45 am]

BILLING CODE 7545-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL-5337-5]

National Emissions Standards for Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities not Covered by Subpart H

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of comment period and notice of public hearings.

SUMMARY: The Office of Radiation and Indoor Air, Radiation Protection Division is reopening the comment period for the proposal to rescind subpart I for NRC and Agreement State licensees other than nuclear power reactors; and will also hold public hearings on this proposed rule to rescind 40 CFR part 61, subpart I.

We are reopening the comment period to allow the public the opportunity to view NRC's proposed constraint level rule. When EPA first published its notice of proposed rulemaking on September 28, 1995 (60 FR 50161, No.188), it was with the expectation that NRC's proposal was forthcoming and at that point we placed a draft of the proposal provided to us in the public docket (A-92-50). Due to NRC's delay in publishing their proposed constraint level rule, EPA needs to provide additional time for the public to review the actual proposal from NRC.

DATES: The reopening of the comment period allows comments to be received by EPA on or before January 20, 1996. The hearings will be held on Tuesday, January 9, 1996, from 9:00 am to 5:00 pm.

ADDRESSES: The hearings will take place at the Marriott Hotel, 1999 Jefferson Davis Highway, in Arlington, VA (accessed from the Crystal City Metro stop). Comments should be submitted (in duplicate if possible) to: Central Docket Section, Environmental Protection Agency, Attn: Air Docket No. A-92-50, Washington, DC 20460. Docket A-92-50 contains the rulemaking record. The docket is available for public inspection between the hours of 8:00 am and 5:30 pm, Monday through Friday, in room M1500 of Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying. The fax number is (202) 260-4400.

FOR FURTHER INFORMATION CONTACT: Eleanor Thornton, Program Analyst, Center for Federal Guidance and Air Standards, Radiation Protection Division, Office of Radiation and Indoor Air (6602J), Environmental Protection Agency, Washington, DC 20460, (202) 233-9773.

SUPPLEMENTARY INFORMATION: This meeting is open to any member of the public. As noted in the notice reopening the comment period (60 FR 50161, No.188, September 28, 1995), requests to participate in the public hearing should be made in writing to the Director, Lawrence G. Weinstein, Radiation Protection Division, Office of Radiation and Indoor Air (6602J), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by January 3, 1996. Requests may also be faxed to EPA at (202) 233-9629 or 233-9626. Requests to participate in the public hearing should also include an outline of the topics to be addressed, the amount of time requested, and the names of the participants. EPA may also allow testimony to be given at the hearing without prior notice, subject to time restraints and at the discretion of the hearing officer. Three (3) copies of testimony should be submitted at the time of appearance at the hearings.

Dated: November 22, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 95-29361 Filed 11-30-95; 8:45 am]

BILLING CODE 6560-50-P